

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**FRANCINE MELLON, Individually
and as Administrator of the Estate
of Virginia Brodie, Deceased and as
Next Friend of Maranda N. Lenz
and Skylar G. Brodie, Minors,**

Plaintiff

VS.

**EXPRESS PHARMACY SERVICE
OF FL., L.L.C. et al.,**

Defendants.

CIVIL ACTION NO. 2:05cv70

ORDER

The above entitled and numbered civil action was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge, which contains his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration (Doc. No. 47). The parties have made no objections to the Report and Recommendations. The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court.

Accordingly, it is ORDERED that Defendant Purdue Pharmaceutical Products, L.P.'s Motion for Summary Judgment (Doc. No. 44) and Motion for Summary Judgment on Statutory and Learned Intermediary Grounds (Doc. No. 46) are GRANTED.

So ORDERED and SIGNED this 18th day of September, 2006.



LEONARD DAVIS
UNITED STATES DISTRICT JUDGE